

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHAWN DRUMGOLD,)	C.A. NO. 04-11193NG
Plaintiff)	
)	
v)	
)	
TIMOTHY CALLAHAN, ET AL.)	
Defendant(s))	
)	

**MOTION FOR COURT ORDER FOR PRODUCTION OF
JURY QUESTIONS FROM CLERK'S OFFICE**

Now comes the Plaintiff and moves this Court to order the Suffolk County Superior Court Clerk's Office for Criminal Matters to produce certified copies of the written jury questions from the original criminal trial in Commonwealth v. Drumgold, Suffolk Superior Court Criminal Action No. 07182-83. In support thereof, the Plaintiff says the following:

1. The transcript of the criminal trial indicates that the jury had two written questions during deliberation which were marked for identification as Exhibits H and I. The transcript does not disclose the substance of the questions.
2. Review of the docket of the Suffolk Superior Court indicates that the first question was a request for a witness list by the jury and that the second question was a request for the transcript of the testimony of Tracie Peaks. The records indicate that the jury was provided with a written list of witnesses and was informed in writing by Judge Alberti that no transcript of the testimony was available.
3. There is no transcript of any discussion between the court and counsel or the jury in regards to these questions.

4. The questions by the jury concerning the testimony of Tracie Peaks are relevant on the question of proximate cause to be tried in this case.
5. The Clerk's Office has indicated that as a matter of policy it will not allow copies of written jury questions to be copied absent a court order. The clerk has refused to provide copies of the written jury questions.

Wherefore the Plaintiff moves this Court to enter an order ordering the Suffolk County Clerk for Criminal Matters to produce to Plaintiff's counsel certified copies of Exhibit H and I, the written jury questions in Commonwealth v. Drumgold, Suffolk Superior Court Criminal Action No. 07182-83.

Respectfully submitted,

By His Attorneys,

/s/ Michael Reilly

Michael W. Reilly, Esq.
Tommasino & Tommasino
Two Center Plaza
Boston, MA 02108
617 723 1720
BBO 415900

/s/ Rosemary Curran Scapicchio

Rosemary Curran Scapicchio, Esq.
Four Longfellow Place
Boston MA 02114
617 263 7400
BBO 558312